

Chapter III

The Assurance View

In the previous chapter we distinguished two views concerning testimony and evidence, General Evidentialism and Particular Evidentialism. General Evidentialism is the view that a person is justified in believing the single claim that most testimony is true only insofar as she has evidence for that claim; Particular Evidentialism is the view that being told that p on a particular occasion only justifies a person in believing that p insofar as it gives her evidence that p . We argued that General Evidentialism is untenable, but that this refutation of General Evidentialism has no bearing on the distinct doctrine of Particular Evidentialism. Ultimately we will defend Particular Evidentialism. In this chapter, however, we set forth arguments against it. These arguments are meant to motivate the *Assurance View* that is presented by Angus Ross (1986) and Richard Moran (1999): that the teller's assurance of the truth of her testimony provides the hearer with a non-evidential justification for believing what she is told. The objections that motivate the Assurance View must ultimately be overcome in our defense of Particular Evidentialism, in chapters IV-VII. Nevertheless, the Assurance View does capture important insights about how testimonial justification depends on the teller's assumption of responsibility for her testimony. These insights will be incorporated into our defense of Particular Evidentialism.

Section 1 of this chapter sets out the requirement that any theory of testimony accommodate the fact that testimony is a freely chosen act, for which the teller is responsible. Theories that treat testimony as providing evidence in the same way that

natural signs do will violate this requirement; this is the insight that the Assurance View captures. Section 2 explains how testimonial justification differs from paradigmatic forms of evidence, in that testimonial justification is dependent on the intentions with which the teller presents the testimony. Section 3 then sets out the Bad Faith and Disharmony objections to Particular Evidentialism, which are based on this intention dependence and on the teller's freedom and responsibility. Though we will argue in subsequent chapters that these objections do not refute Particular Evidentialism, our theory of how testimony provides evidence will have to answer concerns raised by these objections. Section 4 presents the Assurance View, which is motivated by the Bad Faith and Disharmony Objections.

1. Testimony, Responsibility, and Evidence

Particular Evidentialism (see section II.1) is the thesis that a particular piece of testimony can only give the hearer justification for believing what she has been told by giving her evidence for it. The only way to be justified in believing someone's testimony is to receive evidence from the testimony.¹ A theme of our discussion in the last chapter was the centrality of testimony to our epistemic practices (see particularly section II.2): In order to know a fraction of what we take ourselves to know, we must gain many justified beliefs from testimony. Combining these, Particular Evidentialism requires that testimony must frequently provide its hearers with evidence for what is told, and that the hearers must frequently take this testimony as evidence. Yet testimony is in fundamental ways unlike many of our paradigms of evidence, because the teller freely chooses whether she will tell someone something and what she will say. This oddity has led some

¹ Except, of course, in cases in which one has independent justification for believing what is told.

to say that we cannot typically take testimony to provide evidence, and that contrary to Particular Evidentialism it must provide some non-evidential justification for belief instead. This chapter will set out this Assurance View: in brief, that hearers can gain a non-evidential reason for belief from the teller's assumption of responsibility for the truth of her testimony.

Later we will defend Particular Evidentialism against the Assurance View, but the Assurance View is based on crucial insights about testimony. These are that the teller paradigmatically does choose to produce her testimony and can be held responsible for it, and that the justification that testimony typically confers depends on this choice and responsibility. Learning from another's testimony is not like reading a measurement off a machine. The typical reason for belief that testimony gives us depends on our awareness that the testimony is an action of a person. Any hearer who is mature enough to evaluate testimony critically will know that the people who issue testimony have beliefs on the matter at hand, that the beliefs may be wrong or right, that the teller may choose to say what she believes or something that she does not believe, and that the teller is presenting herself as believing what she says. These considerations will underlie the hearer's attitude toward testimony even if she does not explicitly think of them. Furthermore, the hearer will know that the teller is responsible for the truth of testimony; one of the first things we are taught is that it is wrong to lie or to tell stories as facts. These considerations all are essential to what happens when we believe speakers.

The Assurance View thus points up the limitations of a view of testimony such as Dretske's (see Dretske 1981, pp. 102-6 and *passim*). On Dretske's view, knowledge is belief that arises from the receipt of information that determines the truth of the belief,

given the existing laws and background conditions. Just like any other kind of evidence, testimony can give rise to knowledge. When testimony gives us knowledge, by definition, the laws of nature and appropriate background conditions must make it impossible that the teller could say what she is saying were it false; just as an ammeter cannot give us knowledge of the current in a wire unless the laws of nature and appropriate background conditions make it impossible for the ammeter to read as it does were the current in the wire different. Dretske's account deliberately disregards the fact that testimony is typically an expression of the teller's beliefs, or presented as such. (Beliefs being part of what he is trying to explain, he cannot appeal to them on pain of circularity.) Nothing in his account rests on any correspondence of sentences to thoughts in the speaker's mind. Accordingly, the account omits part of what happens when a hearer believes a teller, that the hearer recognizes that the teller believes her testimony.

Perhaps more seriously, Dretske's account restricts the speaker's freedom to lie. In order for testimony to give knowledge as Dretske defines it, the laws and the background conditions must determine without fail that the speaker is not lying.² Commonly we treat speakers as free to say whatever they like, whether or not it is what they believe and what is true. For incompatibilists, this determinism rules out freedom of speech: A speaker who is determined to say something does not say it freely.³ Compatibilists, who think that some determined actions are nevertheless free, might be able to reconcile Dretske's account of testimonial knowledge with our freedom of speech. For Dretske, transmission

² Specifically, if the speaker has said that p , it must be impossible for the speaker to say that p in counterfactual situations where p is false and the relevant background conditions are the same. Note that this requires not only that the speaker says what she believes, but also that the speaker's belief is correct (unless her insincere statement cancels out a mistaken belief).

³ For incompatibilists, Dretske's account does not directly imply that the speaker did not freely say that p , but rather that she could not have freely said that p if p had not been true; see note 2 above.

of information depends on background conditions, of which we need not be aware to gain knowledge from that transmitted information.⁴ The background conditions of testimony might comprise the sort of psychological determinants that would allow compatibilists to see testimony as both determined and free. Even so, Dretske's idea that testimony must be determined if it is to give knowledge runs contrary to our normal reasoning in accepting testimony. When we accept testimony, we do not even implicitly rely on the idea that the testimony is determined.

It may not nullify Dretske's project to point out that his conditions for testimony to give knowledge are not the assumptions that we rely on when we accept testimony. Dretske is concerned with defining mental concepts in terms of transmission of information and does not require knowledge to be self-conscious, so it is not a problem for him if we have false consciousness concerning the basis of our knowledge. For our own purposes, however, we must look at what actually happens when someone believes testimony. Mature testimonial belief, as discussed above, rests on many beliefs about persons, their minds, and their actions. In this way it is unlike beliefs gained through machines or through perception. When we form beliefs by reading measurements from machines, we may not have any hypotheses about the deep workings of the machine. When we form beliefs through perception, we may do so automatically, without any particular belief about how our perceptual system works. When we form beliefs through testimony, at some level we are aware that we are believing what a person says, and that this person is presenting her testimony as her own belief. It would be troubling if this awareness turned out to be false consciousness.

⁴ Problems remain as to whether, on Dretske's theory, background conditions could ever be strong enough to ensure that testimony does transmit information, but we need not address those problems here.

We must ask, then, how the hearer may view her justification for believing what she is told. This view of her justification need not be conscious, but it cannot depend on completely external factors such as background conditions of which the hearer is completely unaware. So it may be acceptable to say that the hearer views her belief in the testimony as justified in part because she sees the teller as a free agent, even if she never thinks the thought “This teller is a free agent”; but it is not acceptable to say that the hearer views her belief as justified because the teller is in neural state *S*, when the hearer has no idea of the teller’s neural state. For a hearer to view testimony according to Dretske’s theory, as offering justification because it is determined by background conditions, would entail that the hearer sees the background conditions as determining what the teller says.⁵

Viewing testimony in this way would deprive it of the significance that we ordinarily take it to have. In Holton’s terms (Holton 1994, p. 74), it would be treating the teller as an indicator. The teller’s beliefs and her production of speech would be stages in a natural process that is as completely determined by background conditions as, say, the sound waves in the air are determined by the vibrations of the teller’s vocal cords and the atmospheric conditions. Viewing the speaker as determined by a natural process as opposed to a choice precludes viewing her as someone who deserves credit for speaking the truth, or would deserve blame for speaking a falsehood. In P.F. Strawson’s terms (Strawson 1974), if we do not see the teller as having an option about what to say, we

⁵ As mentioned above, this does not nullify Dretske’s project, because Dretske is not concerned with the self-consciousness of our knowledge. Dretske requires that, in order for the hearer to have knowledge, the speaker’s speech must be determined by the background conditions, but he is not concerned with how the hearer views the speaker.

cannot take the “reactive stance” toward her, in which we treat her as a suitable subject for praise or resentment (see also Holton 1994 on the reactive stance).

Clearly, however, we do typically see a teller as choosing her words and as responsible for their truth. Indeed, these are essential to our paradigmatic cases of believing someone’s testimony. If we know that someone has made a sound as an involuntary reflex, we know that the sound is not testimony, and the sort of evidence the sound may give us is much different from testimonial justification. There are indeed intermediate cases between testimony and involuntary reflexes, such as when someone blurts something out accidentally or under compulsion. These utterances are neither precisely voluntary nor involuntary; though we might say that the speaker did not mean to say what she said, what she did was certainly not a reflex, nor is it precisely a mistake (as when I throw out my original manuscript thinking it is a copy). Giving a precise account of how such utterances might justify belief in what was said would probably require clarifying exactly how these utterances are and are not like chosen utterances, which would be extraordinarily involved. For instance, many blurted utterances are cases of weakness of will, and I do not intend to give an account of the weakness of the will. It suffices to say that, the farther the utterance is from freely given testimony, the less believing the utterance is like believing freely given testimony. (The extreme end of this spectrum might be talking in one’s sleep.) Believing the paradigmatic cases of testimony requires seeing the testimony as freely chosen.

Similarly, believing testimony in the paradigmatic cases requires seeing the speaker as somehow responsible for the truth of her testimony. (Chapters IV and VII discuss forms of this responsibility.) If a speaker disclaims all responsibility for an utterance, for

instance by saying “I do not in any way stand by the truth of this utterance,” then it is not testimony that we can believe in some standard way.⁶ Such an utterance—it might be a joke, or part of a fictional story, or idle chatter—might provide evidence for something, but it could not provide the sort of reason for belief that testimony does. The hearer would not be justified in believing what was said on the speaker’s say-so, because the speaker did not say so. The utterance might somehow bring about belief in some other way; for instance, a speaker may make a suggestion for what it is worth, claiming no responsibility for its truth or falsehood, and the hearer could then decide to believe it for reasons available to her independently of the speaker’s utterance. The hearer’s typical reason for believing testimony, however, rests on the teller’s choosing to present the testimony as true and thus to take responsibility for it.

On the Assurance View, we can accept testimonial justification without being mistaken as to its nature. Our paradigmatic justification for believing testimony, according to the Assurance View, comes from accepting the teller’s assurance that her testimony is true. This assurance is a freely undertaken assumption of responsibility for the truth of her testimony. As we have argued, an account of testimonial justification must rely on the teller’s assurance in this way if it is not to impute widespread error to hearers, who do see their acceptance of testimony as dependent on the teller’s freely offered assumption of responsibility. On the Assurance View, learning from testimony is quite different from learning from an instrument that has no choice about what to display. In later chapters we will develop a version of Particular Evidentialism that incorporates

⁶ Note that this is not the case when someone says something off the record, for instance to a journalist. In such a case, the speaker will disclaim her testimony to parties who are not present, but she does not disclaim her testimony to the actual hearer, even if the hearer is supposed (for non-epistemological reasons) not to repeat what she has heard.

this insight, making the evidence that particular testimony provides dependent on the teller's assumption of responsibility.

The Assurance View, in contrast, goes on to argue that, in order to be based on the teller's responsibility, testimonial justifications must be non-evidential. We will have to defend Particular Evidentialism against this view, arguing that we can acknowledge a teller's responsibility while taking her testimony as providing evidence for what she tells us. First, in this chapter, we set out the Assurance View's arguments that the typical testimonial justification cannot be evidential. When we do defend Particular Evidentialism, we will have to answer these arguments by showing how a teller can present her testimony as evidence while assuming responsibility for its truth (Chapter VII).

2. Intention-Dependent Justification

According to our Gricean analysis (section I.2), testimony is intended to induce belief by means of the hearer's recognition of it as testimony. Part of recognizing something as testimony is recognizing that it is meant to induce belief in this way. (The hearer need not consciously think of the Gricean model, but she must be sensitive to the fact that testimony is an overt attempt to induce belief.) When the hearer is justified in believing the teller, her justification will depend on the fact that the teller meant to induce belief. This section will explore testimony's dependence on intention, which marks testimony off from ordinary kinds of evidence. We will see that intention dependence cannot by itself prevent testimony from serving as evidence, but that it does present a puzzle for our defense of Particular Evidentialism: How can testimony possibly provide evidence for the

specific thing that is told? Furthermore, though intention dependence does not disqualify testimony from providing evidence, the proponents of the Assurance View will use the intention-dependent nature of testimonial justification to argue that testimony cannot typically be presented and taken as evidence. Thus the intention dependence of testimonial justification undergirds the Bad Faith Objection and the Disharmony Objection, which will be discussed in section 3.

As Moran points out, in many situations, if we learned that putative evidence was created with the intent to induce belief, it would be defeated as evidence:

Ordinarily, if I confront something as evidence (the telltale footprint, or cigarette butt), and then learn that it was left there deliberately, with the intention of bringing me to a particular belief, this will only discredit it as evidence in my eyes. It won't seem *better* evidence, or even just as good, but instead like something cooked-up, tainted, fraudulent (Moran 1999, p. 11).

To expand on Moran's example, if Janet discovers in Alice's ashtray a cigarette of the sort Sarah smokes, with traces of Sarah's brand of lipstick, this will ordinarily provide evidence that Sarah has been to Alice's apartment. If Janet then learns that the cigarette was placed in the ashtray in order to bring Janet to believe that Sarah had been there, this should cause her to suspect the evidence. That the cigarette was intended to induce a belief suggests some likely explanations of how it could have made its way to the ashtray even if Sarah had never been there. A more specific explanation of who intended to induce belief, and how, may defeat the cigarette as evidence completely. If Janet learns that Alice took one of Sarah's cigarettes from work and brought it home to induce a belief in Janet, then the cigarette itself provides no evidence that Sarah has been in

Alice's apartment; the cigarette's presence has been explained without any need to invoke Sarah's presence.⁷

When the cigarette butt does serve as evidence, the evidence is not mediated by anyone's intentions. The most likely explanation for the butt's presence in the ashtray is that someone wearing a certain brand of lipstick smoked a certain kind of cigarette in the apartment. For the butt to provide evidence, it need not have been smoked or placed in the ashtray with some specific intention. Such evidence that is not mediated by intentions is a central and important kind of evidence. Natural signs in general will not be mediated by the intentions with which they are produced, because (on a secular view of the world) they are not produced by an intentional agent.⁸ No agent makes a barometer fall, and so the evidence of rain that the barometer provides is independent of anyone's intentions.

Testimony, on the other hand, is not only produced intentionally, but overtly produced with the specific intention of providing a reason to believe what is told. This by itself does not prevent testimony from providing evidence. As Ross points out, "There is, of course, nothing odd about the idea of deliberately presenting an audience with evidence in order to get them to draw a desired conclusion, as when a photograph is produced [i.e., displayed] in court" (Ross 1986, p. 72). Moran elaborates that "an item

⁷ Janet may not be able to learn with certainty that Alice has planted the cigarette. To the extent that Janet remains uncertain, the cigarette may continue to provide evidence; it is only defeated as evidence to the extent that Janet can be confident that it was planted.

⁸ Ross (1986, p. 69) points out that science was once seen as reading the book of nature, and that on this view evidence from natural signs is continuous with justification from testimony. This conception of evidence, however, is much different from our current conception of evidence; it depends on the idea that natural signs were brought about by an intentional agent, God. So on the older conception, evidence is by definition the result of God's intentional action. On this conception, testimony's intentional nature could not possibly be an argument against its supplying evidence, since all evidence is intention dependent. In discussing the Assurance View and presenting our own arguments for Particular Evidentialism, we will presuppose that it makes sense to speak of evidence that does not come from anyone's intentional action.

like a photograph can serve as good evidence even if it was not only deliberately *presented*, but also deliberately *produced* [i.e., taken] so as to lead one to a particular conclusion (Moran 1999, p. 16). A photograph, say of Sarah in Alice's apartment, may be taken and displayed with the intention of convincing Janet that Sarah had been in Alice's apartment, and may still give Janet evidence that Sarah was in Alice's apartment.

The intention that the photograph induce belief, however, does not mediate its status as evidence in the way that testimonial justification is mediated by the intention that the testimony induce belief. This is particularly clear if the photographer cannot control the photograph's appearance except by choosing what to photograph. Suppose, for instance, that Alice, while Janet watches, opens the front door of her apartment (which Janet cannot see into), takes an instant snapshot of the interior, and hands the snapshot to Janet just after it emerges from the camera. If the snapshot shows Sarah in the apartment, then it provides evidence that Sarah is in the apartment, no matter what intentions Alice had in taking the photograph. Alice's intentions are simply immaterial to the evidence that the evidence provides, because Janet knows that Alice could not have made Sarah appear in the snapshot unless Sarah (or something of similar appearance) were in front of the camera. As Moran says, "The status of the photograph as a reason to believe something does not depend on the photographer's own attitude toward it as evidence. It depends only on the camera's ability to record the scene, which need not involve any choice or consciousness on the part of the photographer at all" (Moran 1999, p. 21).

The more control that the photographer (or presenter) has over the appearance of the photograph, the greater the importance of her intentions for the photograph's status as a justification for belief. Digital technology has made manipulating photographs

increasingly easy, so that a photographer may generate images representing scenes that never existed. When the photographer could easily have manipulated the image to appear as it does, even if the corresponding scene was never there to be recorded by the camera, then the viewer's justification for believing the photograph will depend on the photographer's intention to record the scene faithfully rather than to manipulate it.

Moran remarks:

[W]hen we are considering a photograph, and learn that the photographer does not believe what it appears to show, or even that he is presenting it with an intent to deceive, the photograph as such retains all the epistemic value for us it ever had. (Compare the difference made by someone's saying, "Oh, I just said that as a joke," and that of a photographer saying of his picture, "Oh, I just took that as a joke") (Moran 1999, p. 22).

This will not apply when the photographer could easily have doctored the photograph.

Then our discovery that the photograph was meant to deceive or printed as a joke would discredit the photograph as evidence for what was shown, because we would have reason to believe that the photographer had doctored it. It is when the photographer cannot, or cannot easily, affect the end result in the right way that her intentions are irrelevant to the photograph's status as a reason to believe. (When manipulating the photograph would be difficult but possible, the photograph still provides evidence even when there is evidence that the photographer would have wanted to manipulate it, because her desire to manipulate it may not have been strong enough to induce her to go to the trouble. This is why ease of manipulation is relevant.)

When a photograph is subject to manipulation, the justification it provides is mediated by the photographer's intentions: The justification depends on the

photographer's intention to be accurate, or at least the absence of an intention to deceive.⁹ Testimony is similar. Because, as Ross puts it, "saying something is a deliberate act under the speaker's conscious control and the hearer is aware that this is the case" (Ross 1986, p. 72), any justification that testimony gives is mediated by the teller's intention that the testimony be taken as a reason to believe.¹⁰ If the hearer learned that an utterance was intended as a deception or a joke, it would discredit the utterance as a justification for belief. Certainly it would preclude believing the speaker (as opposed to coming to believe what she says without accepting her word). Unlike the snapshot, the testimony is under the teller's control to the extent that the teller can say that *p* as easily whether or not *p* is true. In fact, testimony is more under the teller's control than any photograph is under the photographer's control. Someone who manipulates a photograph will always have to do something more than someone who merely takes the photograph unadulterated, but uttering a falsehood does not involve doing anything more over and above uttering a truth.

Thus testimonial justification is dependent on the teller's intention that the testimony induce a belief in the hearer. This differs from those important cases of evidence in which something provides evidence irrespective of anyone's intentions. Yet this difference does not show that testimony cannot provide evidence for anything. Even a phenomenon that is intentionally produced in order to induce a belief, and over which the

⁹ More precisely, it depends on the viewer's justification for believing that photographer did not intend to deceive.

¹⁰ Ross's proviso that the hearer is aware of this intention is necessary to establish that the intention is part of what is meant to get the hearer to believe what is told. This establishes that testimony is not analogous to a case in which, say, a tell-tale cigarette butt is planted as a deliberate attempt to induce a belief, but the observer has no reason to believe that it has been planted. In such a case the butt could provide the observer with (misleading) evidence, but only because she did not know that the butt was part of a deliberate attempt to induce belief. Since in testimony the attempt to induce belief is overt, testimony cannot provide evidence in a manner analogous to the successfully planted cigarette butt.

producer exerts the highest degree of control, clearly can provide evidence for various conclusions. As Ross says, “The problem is not... that the fact of our having chosen to use certain words *cannot* be evidence for some further conclusion. Our choices can certainly be revealing” (Ross 1986, p. 72). Moran concurs: “It is always possible to treat anything a person says or does as constituting further evidence for the question at hand. There is no level at which this becomes ‘impossible’ somehow” (Moran 1999, p. 35).¹¹

What someone chooses to do, for instance, can provide evidence for the preconditions on her choice or action. For instance, the fact that someone has said something will usually provide evidence that the air contains enough oxygen for her to breathe and that it is dense enough to transmit sound waves.¹² The actions one chooses to perform may also provide evidence for one’s psychological state. Alice’s skipping down the street may be evidence that she is happy, even though the skipping is entirely under her control. Choices of words, just like any other choice of action, can provide evidence for psychological states. When a speaker talks in unusual ways or about unusual topics, that may provide evidence for an unusual psychological state, be it joy, discomfort, or something else; exactly what it provides evidence for will depend on the state that best explains her unwonted loquacity. (Chapter V will discuss how choices can provide evidence by the mediation of psychological and related explanations.) No matter how much control someone has over her actions, they are likely to provide evidence of something or other.

¹¹ Both quotations will be continued below (section 3), in explaining Ross’s and Moran’s respective objections to the notion that testimony should be taken as providing evidence.

¹² Admittedly, the existence of preconditions shows limits on the speaker’s control over her act. She does not have absolute power to speak in that she could not speak if the air lacked oxygen or was too dense.

These examples do present a puzzle for Particular Evidentialism, however, because what testimony provides evidence for in this fashion is not likely to be what is told. In odd cases, such as when Alice shouts “I’m excited!”, testimony may provide evidence for what is told by revealing the teller’s psychological state (or the preconditions on her testimony). Yet even in these exceptional cases, the account of testimony as revealing the truth of what is told will not provide a satisfactory account of testimonial justification. If Sarah believes that Alice is excited because Sarah takes Alice’s shouting as an indicator of her psychological state, she is not believing Alice in the sense of accepting her word. Rather she is believing, on evidence that she has figured out for herself, something that happens to be what Alice said. Particular Evidentialism will need an account of how the teller’s testimony can in most cases provide evidence for what is told, on which a hearer who believes on this evidence will accept the teller’s word. This account will require considerable development and will come in Chapter VII.

Irrespective of the question of whether testimony can generally *provide* evidence for what is told, the Assurance View holds that the intention-dependent nature of testimonial justification makes it impossible for testimony to be *presented* and *taken* as evidence. The idea is that evidential status can never be dependent on someone’s intentions in the way that the typical testimonial justification is. Ross develops an objection to Particular Evidentialism that I call the Bad Faith Objection, that a teller who offers an intention-dependent justification by assuming responsibility for her testimony cannot simultaneously see her testimony as evidence. Moran develops what I call the Disharmony Objection, that the teller may be able to see that her testimony provides evidence but cannot present the testimony as evidence. These objections, which I set out

in the next section, argue that even if evidence for what is to be told is to be had from the testimony, some non-evidential justification must be had if there is not to be a massive mismatch between hearers' beliefs and teller's intentions. These objections in turn motivate the Assurance View (section 4), which resolves this mismatch by positing a non-evidential justification that testimony can provide.

3. The Bad Faith and Disharmony Objections

In the previous section, we argued that typical testimonial justification depends on the intentions with which the teller speaks: The testimony only justifies belief because the teller intends it to induce a belief. This intention-dependent justification differs from paradigmatic examples of evidence, which do not depend on anyone's intention to induce belief. The Assurance View, however, needs more motivation. To show, as the Assurance View argues, that testimony provides a non-evidential justification, it is not enough to show that testimonial justification is unlike some paradigmatic examples of evidence in a crucial respect; Assurance View theorists must show that this difference proves that testimonial justification is not evidence at all (paradigmatic or not). Accordingly, Ross and Moran each give an argument that testimony's intention-dependent justification cannot be evidential. This section sets out these arguments, which each purport to show some incompatibility between evidence and intention-dependent justification.

First we should clarify the territory of the dispute between the Assurance View and Particular Evidentialism. Much rides on an exact definition of the notion of evidence. It

would be easy enough to formulate definitions of evidence that make it trivially true or trivially false that testimonial justification is evidential. Ross says:

To dispute Hume's view of the claims of testimony is not to deny that we can quite properly speak of what is said as evidence, as for example when witnesses give evidence in court. What is in question is whether, in normal communication, the hearer views the words he hears and *inductive* evidence, evidence in the characteristically modern, impersonal sense which has been purged on all reliance of authority, human or otherwise (Ross 1986, pp 71-2).¹³

If evidence were defined so that a witness's testimony in court were a paradigmatic example, then it would be trivially true that testimonial justification is evidential. On the other hand, to stipulate that *nothing* that involves human authority can be evidence would be to trivially disqualify testimonial justification as evidence.

Ross in fact means to discuss Hume's conception of evidence, on which an individual can rely on another's authority as evidence only if she has personally verified that the other person tends to speak the truth. Even this conception of evidence stacks the deck against Particular Evidentialism, by tying it to General Evidentialism. In Chapter II we argued, against General Evidentialism, that a hearer is justified in believing anything that she is told unless she has positive evidence against the testimony's reliability. This is a distinct issue from Particular Evidentialism; each particular piece of testimony may give evidence for what is told, mediated by the generalization that most testimony is true, which we have argued is itself justified non-evidentially (section II.4). As Moran puts it, arguments against General Evidentialism show only that "we may have some non-empirical right to treat this phenomenon [sc. testimony] as evidence, perhaps even very good evidence" (Moran 1999, p. 7). (Ross's invocation of the Humean standard,

¹³ By "otherwise" Ross refers to the early scientific notion that all evidence rested on the authority of God; see note 7. The citation of "our contemporary notion of evidence" is meant to rule out this divine authority.

however, has no effect on his objection to Particular Evidentialism, which we will discuss below.)

The question, at least in part, is what is to count as evidence. We have argued (section I.3) that the burden of proof is on anyone who claims that some form of justification is non-evidential. If a justification comes from experience, in that the subject would not have that justification if she had not had certain particular experiences, then it should be considered to be evidential unless there is some specific reason to say that it cannot be, and preferably some account of how the non-evidential justification operates. Otherwise we would multiply mysterious non-evidential justifications beyond necessity. Accordingly, we will not first formulate a theory of evidence and then consider whether testimonial justification is evidence by that standard. Rather, we will in this section consider arguments that, by any reasonable standard of what evidence might be, testimonial justification cannot be evidential. When we come to defend Particular Evidentialism, we will have to show that testimony is not excluded from reasonable standards of what evidence is. (We will sketch a picture of evidence that allows this argument in Chapter V, and in Chapter VII we will show how this answers the objections set forth in this section. Before doing so, in Chapter IV, we will have sketched our argument using an account of evidence that is admittedly unsatisfactory but much simpler and sharper.)

Ross and Moran, the two proponents of the Assurance View, both argue that the typical testimonial justification cannot be evidential because the teller cannot present her testimony as evidence. Though, as discussed in the previous section, testimony may

provide evidence for various things, they argue that a teller must not *intend* her testimony to be taken as evidence for what is told. Thus Ross says:

The problem is not... that the fact of our having chosen to use certain words *cannot* be evidence for some further conclusion. Our choices can certainly be revealing. The difficulty lies in supposing that the speaker himself sees his choice of words in this light, which in turn makes it difficult to suppose that this is how the hearer is intended to see his choice (Ross 1986, p. 72).

Moran elaborates:

It is always possible to treat anything a person says or does as constituting further evidence for the question at hand.... The point instead is that refusing to acknowledge any epistemic stance toward the speaker's words other than as evidence means that speaker and hearer must always be in disharmony with each other, for in the contexts of telling, promising, and apologizing the speaker is not *presenting* his utterance as evidence (Moran 1999, p. 35-6.)¹⁴

If this is right, then a hearer who takes testimony as evidence does not come to believe what she is told in the way that the teller intends. In presenting our Gricean analysis of testimony (T) (section I.2), we promised to refine the account of exactly how the teller comes to believe what she is told. If Ross and Moran's suggestion is correct, this refinement must imply that the teller intends that the hearer believe what she is told *not* by taking the testimony as evidence. A hearer who contravenes the teller's testimonial intention does not believe the teller, even if she comes to believe the content of the

¹⁴ Both these quotations are continuations of the passages quoted above in explaining why intentionally produced phenomena can provide evidence (see note 11, section 2). Moran's discussion of promising and apologizing, which he assimilates to telling, raise issues that cannot be explored in this dissertation in any depth. Arguably, promising and telling differ in their intentional structure. To sketch an account of this difference: A promise is intended to oblige the speaker to perform an action; it is not the primary goal of promising to induce the hearer to believe that the speaker will perform it. In contrast, telling is intended to induce a belief in what the speaker says, and the speaker's responsibility for the testimony's truth (as we will argue in chapters IV and VII) is derivable from this intent to induce belief. Moran's argument for the Assurance View, however, does not rest on *assuming* that telling is like promising; that telling should be treated like promising is a conclusion of the argument itself, which we shall reject along with the Assurance View.

teller's testimony. According to Ross and Moran, a hearer who believes the teller cannot take her testimony as evidence.

Ross and Moran argue somewhat differently to this conclusion. Each argument rests on the incompatibility of evidence with the sort of intention-dependent justification that testimony offers, but each gives a different account of why this intention-dependent evidence is impossible. Ross suggests that, if the teller sees her testimony as providing evidence, she cannot simultaneously see it as intentional at all. We have argued (section 2) that a freely chosen action can serve as evidence for one's psychological state, but Ross argues that this can only be so if the psychological state is a constraint on the action:

If the fact of a speaker having chosen to use certain words is to be seen as evidence of anything, it must be taken in conjunction with certain empirically established generalisations concerning the circumstances in which such a choice by such an individual is likely or unlikely—or better, a well grounded psychological theory giving us an insight into the factors which constrain or influence a speaker's choice of words. Seeing the speaker's utterance as evidence thus involves viewing it in a detached, objective light, as a natural phenomenon arising from certain causes (Ross 1986, p. 72).

The idea in the last sentence is that, in order to treat an action as evidence concerning the speaker's psychology, we must see the psychological factors as causing the action, in much the same way as one natural (non-intentional) phenomenon causes another. The action can only serve as evidence for factors that cause it in that way.¹⁵

Seeing your own actions in this way as a product of psychological factors, Ross argues, is incompatible with seeing them as the product of your own free choice. Seeing actions as constrained by psychological factors means viewing them in an objective as opposed to subjective light, as if they arose from those factors by a natural process to

¹⁵ Ross also mentions factors that "influence" the action, but he cannot mean some sort of rational influence. If he did, it would hardly follow that someone who sees an action as rationally influenced must view it in a detached, objective light.

which you yourself were a bystander, as opposed to being something that you intentionally brought about. This objective view is “a form of disengagement from my own actions, what Sartre called ‘bad faith’”; in particular, Ross thinks that it is “hardly compatible with taking responsibility for those acts” (Ross 1986, p. 73). If, as Ross claims, presenting one’s words as evidence means viewing them as constrained by psychological factors, then testimony for which one takes responsibility cannot be presented as evidence. (Note that taking responsibility for your testimony is paradigmatically intention-dependent: You assume responsibility for your testimony because you intend to assume that responsibility.) I call this the *Bad Faith Objection* to Particular Evidentialism: that the teller cannot present her testimony as evidence because this is incompatible with taking responsibility for that testimony.

The Bad Faith Objection rests on the idea that the teller cannot simultaneously see her choices as constrained by natural forces and as intentional actions for which she is responsible. This is not simply a denial of compatibilism and an assertion that a voluntary action cannot be determined by the laws of nature. Rather, the claim is that the person who is acting cannot, while acting, think “This is the product of certain factors in my psychology,” and still take responsibility for her actions.¹⁶ To have this thought *while acting* is what Ross sees as bad faith and detachment from one’s actions. Indeed it seems plausible that having such a thought while you act would prevent you from seeing the act as something that you were actively choosing and taking responsibility for. Ross need not deny that observers can ascribe responsibility to other people’s actions even if they

¹⁶ If the agent were viewing her action as evidence in terms of an empirically established generalization instead of a well-grounded psychological theory, she would have to think something like “There is a 90% chance that I will do this in such a situation” instead of the thought in the text. This thought would be equally incompatible with her seeing her action as intentional.

are determined; he need only deny that an agent can simultaneously see her own actions as determined and as choices for which she is responsible.¹⁷

The Bad Faith Objection, however, rests on an excessively stringent notion of when something can serve as evidence. According to Ross's argument, seeing testimony as evidence requires seeing it as causally constrained by certain psychological factors. This requirement is too strong. Even in uncontroversial non-psychological cases, we can take an event as evidence without knowing any factors that are necessary constraints on its occurrence or on the occurrence of the phenomenon for which it is evidence. Even if we have no general theory about what is necessary to break a pane of glass of particular composition and dimensions, we can take the fact that a window has shattered as evidence that it has been struck hard by a solid object. In other cases, we are likely to be even less clear about the causal antecedents of our evidence.

Analogously, in order to take an action as evidence, we will not need a theory that specifies psychological constraints that must obtain if the action is to be chosen. We need only the vaguest psychological intuitions concerning the factors that might influence someone's choices. If these intuitions about influences are enough to allow us to treat actions as evidence, then we may be able to see our actions simultaneously as evidence and as freely chosen. For instance, our loose theory might say that actions can be influenced by one's understanding of certain reasons for action. On this theory, an action could provide evidence that the agent understands herself to have some reason for that action. To see her action as providing evidence according to this loose theory, the agent

¹⁷ Ross is saying, more or less, that if we see our actions as evidence we cannot hold what Strawson (1974) calls the reactive stance toward ourselves. Taking the reactive stance toward an agent is necessary for ascribing responsibility, because blame for failing a responsibility is one of the reactive attitudes. See the discussion of Strawson and Holton in section 1.

need only think, “What I am doing is influenced by this reason,” but this thought does not obviously require detachment from her action.¹⁸

So there may be room for us to sketch a psychological theory according to which the speaker may see her testimony as providing evidence while still viewing it as freely chosen. Not every theory will allow this; some accounts of the influences and determinants of actions could not be accepted as an explanation of an action by an agent who simultaneously saw the action as a free choice of hers. For instance, it seems dubious that someone could see her actions as freely chosen while thinking “This action is completely determined by my brain chemistry.” So when we present a theory of how testimony can provide evidence, we will have to show that this theory does not interfere with the teller’s seeing her testimony as freely chosen. Indeed, Chapter V’s theory of how testimony can provide evidence will work much like the last paragraph’s account of how an agent might see her actions as influenced by her reasons for acting. (We will specifically address the Bad Faith Objection in section V.6.)

Moran presents an objection to Particular Evidentialism that does not rely on Ross’s excessively stringent conception of evidence. Moran grants, against Ross, that I may without bad faith see my testimony as “securely linked with the truth, not in virtue of my being determined by the facts of my own nature, but in virtue of my own free but unswerving commitment to the truth” (Moran 1999, p. 17). This could establish a reliable correlation between my testimony and the truth, and this reliable correlation would be enough to make my testimony into evidence by the strictest Humean standards.

¹⁸ Of course the action will not provide the agent herself with any evidence that she is acting on this reason, because she already knows whether she is acting on this reason. What we are concerned with, however, is not the evidence that the action provides the agent but the evidence that it provides others, and the agent can see her action as influenced by her reasons and thus providing evidence to other people.

Yet, as Moran points out, seeing myself as committed to the truth is by no means incompatible with seeing my testimony as freely chosen.

Nevertheless, Moran sees the intention dependence of testimonial justification as making it impossible to present testimony as evidence. As mentioned before, the typical justification for believing testimony depends on the teller's intention that her testimony provide a justification for belief, and also (see section 1) on her taking responsibility for the truth of her testimony. Indeed, these go together. Assumption of responsibility is intention dependent, because the teller's responsibility depends on her intention to assume responsibility. To disclaim responsibility for the truth of one's utterance is exactly to refuse to present it as (by itself) a reason for belief; rather it is to make a joke or a suggestion. Moran sees presenting testimony as evidence as diametrically opposed to presenting an intention-dependent justification, and so furthermore as incompatible with taking responsibility for your testimony.

According to Moran, under a Gricean analysis of testimony (such as our (T)), when I tell someone something

I am counting on the explicit presentation of my intention [roughly, to give a reason for belief] to be the very thing which *makes* my words a reason for believing anything in the first place. The recognition of my intention could only function this way if it was seen to be my assurance of the truth in question, my explicit assumption of responsibility for the truth of what I say. By contrast, the presentation of my utterance *as* evidence would be an explicit denial of this responsibility, as if my word could function as a reason for belief as it were all by itself, without any backing from me (Moran 1999, p. 30).

The idea is that evidence is self-standing, in that whatever serves as evidence for something does so regardless of the producer's attitudes toward it. As Moran says, "To offer some phenomenon as evidence is to present it as belief-worthy independent of the fact of one's presenting it as belief-worthy" (Moran 1999, p. 31). Seeing something that

you have done as evidence thus entails seeing it as something that provides a reason for belief that is independent of your intentions in doing it. Taking responsibility for your testimony, however, means presenting it as something that provides a reason for belief *only if* you present it as providing a reason for belief, and because you so present it. If this argument is correct, it is impossible to present testimony as evidence while taking responsibility for it.

Moran's argument leaves open a possibility that Ross's argument forecloses: that a speaker might, as she speaks, see her words both as freely chosen and as providing evidence for something. By Moran's lights, however, the realization of this possibility still would not constitute a case in which the teller explicitly presented her testimony as evidence; for one thing, what she sees her testimony as evidence for will almost never be what she is telling the hearer. An example in which the speaker simultaneously sees her words as freely chosen and as evidence for something might work as follows: Suppose that Alice, who is strictly honest, tells Sarah some slightly shameful truth; say, that she has memorized every script for the TV show *The Simpsons*. Alice might see this truth-telling as a choice she had made freely, because of her unswerving honesty, while simultaneously thinking, "My confession is evidence of my honesty; were I not so honest, I would hush this up."¹⁹ Alice sees her testimony as evidence of her honesty because only an honest person would confess such a thing. Seeing her testimony as evidence in this way requires no detachment or bad faith. Her testimony reflects her

¹⁹ Moran considers a similar case, in which in confessing the shameful truth "my *primary* aim [is] for you to draw the conclusion that I'm scrupulously honest" (Moran 1999, p. 30; emphasis mine). Moran observes correctly that in his case the speaker is attempting to manipulate the hearer. In our example, however, we are to suppose that Alice's primary aim is to tell Sarah the truth. It is only incidentally, while confessing the embarrassing truth about her minor vice, that Alice notes that her testimony also provides evidence of her honesty. This may not be manipulative; Alice might not even particularly desire that Sarah be convinced of her honesty.

freely chosen commitment to the truth because only someone so committed would say what she says, but this does not impugn the free nature of the commitment or the utterances the commitment leads her to make.

In this case Alice's testimony provides Sarah with evidence of her honesty, but this evidence does not depend on Alice's presenting the testimony as evidence for her honesty. Alice's confession provides evidence of her honesty whether or not she intends it to serve as such evidence. As evidence of Alice's honesty, the testimony stands on its own, in no need of her backing. As Moran points out about a similar case,²⁰ Alice is not telling Sarah that she is honest, and Sarah's reason to believe that Alice is (generally) honest is quite different from her reason to believe what Alice has told her. What Alice has told Sarah is that she has memorized *The Simpsons*. Sarah would have no reason to believe that Alice has memorized *The Simpsons* if Alice had not presented her testimony as conferring such a reason. The reason for Sarah to believe what Alice has told her, then, requires backing from Alice. If Alice sees any evidence that her testimony provides as standing on its own, without requiring any backing from her, then she cannot see her testimony as providing evidence for what she tells Sarah.

Moran speaks of a hearer who takes testimony as evidence as in "disharmony" with the teller, because if the teller cannot present her testimony as evidence a hearer who takes it as such is not taking it in the spirit in which it is presented. What I will call the *Disharmony Objection*, then, is Moran's argument that testimony cannot be presented as evidence because (1) testimony is intended to provide a reason for belief only if the teller presents it as providing a reason for belief, and because it is so presented, and (2) something that provides evidence for a conclusion does so regardless of how it is

²⁰ The case described in n19 above.

presented. Premise (1) follows from the Gricean structure of testimony: The teller intends the hearer to believe her in part because the hearer recognizes the testimony, and thus recognizes the teller's attempt to bring about belief through this recognition. If the teller were not presenting her words as testimony and thus as a reason for belief, the hearer could not come to this recognition, and so could not come to believe the teller as the teller intends to be believed. Since we present a Gricean analysis of testimony ((T), from section I.2), we concur with premise (1). It is premise (2) that we will attack when we defend Particular Evidentialism from the Disharmony Objection.

Premise (2) comes from Moran's view of the nature of evidence. He argues that

a statement only provides the kind of reason for belief that *testimony* does if it is understood to be something freely undertaken by the speaker.... It is with respect to this *other* sort of 'reason for belief' [as opposed to evidential reasons] that we, as hearers or readers, are *essentially* dependent on the free disposal of the speaker or writer. Thus, the current claim to examine is that something is *evidence*, or is being treated as evidence, when it is a reason for belief independently of whether it was intentionally produced or presented as such. So what's needed at this point is fuller characterization of the kind of 'independence' that pertains to the category of evidence, and defense of the idea that testimony as such provides reason for belief that is *not* independent of assumptions involving the freedom of the speaker (Moran 1999, pp. 18-9).

Moran then goes on to discuss photographs, which provide evidence because they do not offer intention-dependent justification in the sense we described in section 2.²¹

Accordingly, he comes to endorse what he describes as "the claim to examine," that evidence is independent from the intention with which it is produced. He later says that "[t]o offer some phenomenon as evidence is to present it as belief-worthy independent of the fact of one's presenting it as belief-worthy" (Moran 1999, p. 31).

²¹ Moran treats all photographs on the model of our treatment of snapshots in section 2, as independent of any intention of the photographer's to induce belief.

Behind Moran's view of evidence may be an assumption about the objective nature of evidence, that evidence subsists in independently existing objects that can be presented in various ways, and that it is the object and not the presentation that determines evidential status. The idea is that evidential status is not at anyone's pleasure to confer or revoke; you can't make something into evidence by intending it to be evidence. Against this, we will seek a view of evidence on which the way in which testimony is presented can be integral to the evidence that the testimony provides for certain conclusions. By avoiding the separation of testimony into an object and a way of presenting that object, we will be able to block any paradoxical conclusions that might seem to result from treating testimony as something that can be made into evidence by someone's intention that it serve as evidence. The conception of evidence at issue will be presented in Chapter V, while its application to testimony will be presented in Chapters VI and VII. (First, in Chapter IV, we will rehearse the argument of Chapter VI with a simpler but less satisfactory conception of evidence. This will make the subsequent argument easier to follow.)

The Bad Faith and Disharmony Objections not only cast doubt on Particular Evidentialism but also motivate an alternative view of the justification that testimony provides. If, as these objections hold, the teller cannot present her testimony as evidence, then she must present it as giving the hearer a non-evidential reason to believe what she is told. The Bad Faith Objection argues that the teller cannot present her testimony as evidence because that would prevent her from seeing it as a freely chosen action for which she takes responsibility. The Disharmony Objection argues that the teller cannot present her testimony as evidence because that would entail presenting it as providing a

reason for belief that stands on its own, independent of the teller's responsibility for her testimony. Each of these objections suggests that the non-evidential justification that testimony is supposed to provide is rooted in the teller's freedom and responsibility. By freely assuming responsibility for the truth of her testimony, the teller gives the hearer an assurance that what she says is true. For the hearer to believe the teller is for her to accept this assurance, and to accept this assurance is to come to believe what she is told on non-evidential grounds. This is the Assurance View of testimony, which we will set forth in the next section, and which provides a particular account of how testimony might provide a non-evidential justification for belief.

4. The Assurance View

If the Bad Faith Objection or Disharmony Objection is correct, then tellers do not typically intend their testimony to be taken as evidence for what is told; on a Gricean analysis, they intend their testimony to be believed in some other way. Then testimony must be able to give the hearer a non-evidential justification for believing what is told. Otherwise there would be either massive unjustified belief, if hearers neither took testimony as evidence nor received any other sort of justification, or massive flouting of tellers' intentions, if hearers took testimony as evidence even though it was not so intended.²² These objections thus require an account of how testimony can give such a non-evidential justification for belief. The particular account that Ross and Moran

²² The idea is that, if tellers' intentions were flouted on such a massive scale, they would stop telling people things. One might perhaps argue that massive flouting of intentions would be harmless, since the hearers would be coming to believe the propositions that the tellers intended them to believe. The question, however, is why tellers would not simply offer their utterances as evidence rather than taking responsibility for them, if it were possible to offer utterances as evidence without taking responsibility for them, and if hearers always took utterances as evidence while ignoring the teller's responsibility for them. (We will argue in Chapter VII that it is impossible to offer testimony as evidence without taking responsibility for it, but this will directly contradict the Bad Faith and Disharmony Objections.)

present is the *Assurance View*, that the teller gives the hearer a non-evidential justification for belief by assuming responsibility for the truth of her testimony. The Assurance View, which we shall set out in this section, will in subsequent chapters be the foil for our defense of Particular Evidentialism, the thesis that the justification that particular testimony confers is indeed evidential.

The Assurance View addresses Ross's Bad Faith Objection on its own terms. The Bad Faith Objection is that a teller cannot present her testimony as evidence without being detached from her own actions in a way that prevents her from taking responsibility for her testimony. In the previous section we argued that this rests on an excessively stringent conception of what is necessary to see testimony as evidence. Regardless of our standards of evidence, however, the teller can clearly present her testimony as an assurance without undue detachment. In fact, if she is to present her testimony as an assurance, she must take responsibility for her testimony.

The Assurance View also addresses Moran's Disharmony Objection. The idea behind the Disharmony Objection is that the teller presents her testimony as providing a reason for belief only because it is presented as a reason for belief. As conceived in this objection, something that provides evidence for something else does so regardless of how it is presented. Moran puts the point in terms of the teller's backing her testimony: Evidence can stand on its own without being backed by someone who presents it, while testimony would not provide a reason for belief if it were not backed by a teller who presented it as a reason for belief. If we think of backing the testimony in terms of assuming responsibility for its truth, the testimony will only give the hearer a reason for belief because the teller has assumed responsibility for the truth of the testimony. To

assume this responsibility is to assure the hearer that the testimony is true, and the Assurance View is that this assurance can give the hearer a non-evidential justification for believing what she is told.

The Assurance View is meant to solve the paradox that the Disharmony Objection raises for the evidential view of testimony: How is it that testimony can provide a reason for belief simply in virtue of the teller's intention that the testimony induce that belief? If testimonial justification is evidential, it seems as though the only answer is that the teller can make her testimony into evidence just by intending that it be evidence. Premise (2) behind the Disharmony Objection, as presented in section 3, captures the thought that evidential status is not at anyone's disposal in this way: It states that something that provides evidence for a conclusion provides that evidence regardless of how it is presented. The presenter's intentions cannot affect whether evidence is provided or not. (As mentioned in section 3, we dissent from premise (2), but for the moment we shall assume it in order to present the motivation for the Assurance View.) According to this premise, then, the teller's presenting her testimony as evidence cannot make it so.

A teller can, however, make her testimony into an assurance by presenting it as an assurance. The teller's assurances are up to her to confer or withdraw in a way that (according to premise (2)) evidential status is not. She can choose whether or not to assume responsibility for the truth of a proposition by telling someone that it is true. Compare an assurance given explicitly. When Alice says, "I assure you that I will be at the station at nine," it is her overt intention to present her utterance as an assurance that makes it into an assurance. Similarly, in testimony, whether a teller assumes responsibility for the truth of her utterance depends on whether she chooses to do so by

presenting her utterance as testimony (rather than as a joke, for instance). Since, on the Assurance View, this responsibility gives the hearer a non-evidential justification for belief, the teller can provide the hearer with this non-evidential justification just by intending to provide it.

In order to emphasize how the teller controls the justification that her testimony provides, Moran argues that the teller can not only grant that justification, but can revoke it after it is granted:

Unlike an evidential relation, the connection between the speaker's words and what he asserts or what he promises is entirely at his disposal to declare or to retract.... The speaker alone has the authority to bestow such epistemic import [sc. that of testimony] on his words, or cancel it; whereas he speaks with no such authority over the evidential import of anything he does or says (Moran 1999, p. 39).²³

The teller can give the hearer a justification for belief by intending that her testimony provide that justification. No one else's intentions with respect to that testimony can similarly affect the epistemic status of that testimony. The parallel with promises is clear: In general, someone who makes a promise assumes responsibility for performing some future action by intending to assume that responsibility and presenting herself as assuming that responsibility. Only in special cases can one person make a promise for another. The epistemic status of the testimony is the speaker's to assume or disclaim, as are the responsibilities that she can assume by speaking. This can be explained if the epistemic status of the testimony depends on the responsibilities that the teller assumes by speaking.

²³ As remarked in note 14 above, Moran is treating asserting and promising as if they justified beliefs in the same way. We are not discussing promises here, but in note 14 we sketch an argument that this assimilation is mistaken.

Similarly, when a teller has given a hearer a testimonial justification for belief, she can often eliminate that justification by retracting her testimony.²⁴ It is plausible that the speaker's responsibility for the truth of her testimony is similarly retractable, so that a speaker who withdraws her testimony is no longer to be held responsible (or not fully responsible) if the testimony turns out to be false. Again, if the testimonial justification comes from the teller's assumption of responsibility for the truth of her testimony, this will explain how the disclaiming of this responsibility could remove the justification for belief.

As Moran acknowledges, epistemic status is not fully retractable: "taking back what I said does not make it as if it never happened" (Moran 1999, p. 40). If the teller says something and then retracts it, for instance, this may still provide evidence that she is not scrupulously honest, and this evidence is part of the epistemic status of her testimony. Perhaps less congenial to Moran's argument, there can be cases in which the original statement is more credible than the retraction. For instance, the hearer may know that the teller, between the testimony and retraction, joined a cult that indoctrinates its members with absurd views; then the post-indoctrination retraction should not lead the hearer to doubt the pre-indoctrination testimony. Nevertheless, the teller retains much control over the epistemic status of her past testimony. In any case, a person cannot always completely disclaim a responsibility that she has assumed in the past. So if the epistemic status of testimony comes from the responsibilities the teller assumes, we might expect

²⁴ Someone besides the teller may be able to defeat the testimonial justification for belief by casting doubt on the teller's credibility, but no one else will be able to retract the testimony in the way the original teller can. Casting doubt on the teller's credibility requires some special position (for instance, knowing that the teller wasn't at the scene she claims to have witnessed).

testimony to be imperfectly retractable because those responsibilities are also imperfectly retractable.

The retractability of testimony will, indeed, pose a problem for Particular Evidentialism. If testimony only provides justification by providing evidence, and if the teller is in a unique position to retract the justifications that her past testimony has provided, then the teller has an ability that no one else has to affect the evidence that has been provided by her past testimony. We shall eventually (section VII.3) argue, against Moran, that this is true: By retracting it, the teller can alter the evidential status of her past testimony. Thus we will dispute Moran's claim that the teller lacks authority over the evidential status of anything she has said. (Moran's claim is another form of premise (2) of the Disharmony Objection, as discussed above and in section 3.) Indeed, we will argue that Particular Evidentialism can account for the imperfect retractability of testimony's evidential status, as evidenced by the indoctrinated retractor. Particular Evidentialism may even give a better account of such examples than the Assurance View can, but first we will have to show that it can account for them at all.

The Assurance View also provides a simple account of the problem with which this section began: how the hearer's justification for belief allows her to come to believe what she is told in the way that the teller intends. The teller offers an assurance of the truth of her testimony, intending the hearer to come to believe what she is told by recognizing and accepting this assurance. For the hearer to accept this assurance is for her to base her belief on the non-evidential justification that this assurance gives her. As Ross says,

There is on the present account no difficulty in seeing the hearer as taking the speaker's words in the spirit in which they are honestly offered. The speaker, in taking responsibility for the truth of what he is saying, is offering his hearer not evidence but a *guarantee* that it is true, and in

believing what he is told the hearer accepts this guarantee (Ross 1986, p. 79-80).

Our defense of Particular Evidentialism will take on board some of the contentions of the Assurance View. We will agree with the Assurance View that testimony only provides a justification for belief because the teller freely assumes responsibility for the truth of her testimony. (In this we disagree with some evidential theories of testimony; see section 1.) We will part ways with the Assurance View by claiming that this justification for belief is nevertheless evidential. There is no obstacle, we will argue, to seeing testimony as providing evidence for what is told while seeing it as a freely offered assurance of the truth of the testimony. The hearer who takes testimony as evidence will typically be accepting the teller's assurance, by taking the teller to be honest and accurate. And the teller will be assuming responsibility for her testimony while presenting it as evidence, because she will be staking her credibility on the truth of her testimony. If all this is true, there is no need to posit a non-evidential justification conferred by particular testimony; the teller and hearer can be in harmony while both treating testimony as evidence.